

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-16 and 18-23 are pending in the application. Claims 1-10 remain unchanged notwithstanding the art rejections manifested in the Office Action. Claim 17 has been cancelled without prejudice or disclaimer and included in claim 11 which has further been amended to avoid the *35 U.S.C. 112, first paragraph* rejection. Claims 16, 18-20 and 22 have been amended to change their dependency and/or improve claim language. New claim 23 has been added to provide Applicants with the scope of protection to which they are believed entitled. The new claim finds solid support in the original specification and the drawings, especially FIG. 4 at 24, 25. The title of the application has been amended in the manner kindly suggested by the Examiner in the Office Action. No new matter has been introduced through the foregoing amendments.

The objection to the specification and the *35 U.S.C. 112, first paragraph* rejection are believed overcome in view of the above amendments.

The art rejections relying on US Publication No. 2004/0133178 (*Otsubo '178*) are traversed, because *Otsubo '178* is not prior art to the present invention. It is noted that the *Otsubo '178* reference was applied in the very first Office Action dated December 1, 2004 and subsequently withdrawn in view of Applicants' persuasive arguments submitted with the first Amendment filed February 29, 2005, at page 10, the first full two paragraphs, which are incorporated by reference herein. In particular, *Otsubo '178* is not prior art to the present invention because it does not have a *102(e)* date.

In addition, the priority claim has been perfected in the instant application through the submission of the sworn English translation of the priority document on March 11, 2005.

Withdrawal of the art rejections relying on *Otsubo '178* is now believed appropriate and respectfully requested.

The 35 U.S.C. 102(e) rejection of claim 1 as being anticipated by U.S. Patent No. 6,666,851 (*Otsubo '851*) is traversed, because the reference does not fairly teach or disclose each and every element of the rejected claim. In particular, *Otsubo '851* as applied by the Examiner does not appear to teach or disclose the claimed first elastically stretchable and contractible member extending (i) in the leg-surrounding direction (ii) across said first zone to said third zone and contractibly attached to the article (iii) inside the side edge of said core.

According to the Examiner, waist elastic 30 of *Otsubo '851* is readable on the claimed first elastically stretchable and contractible member. See Office Action at page 7 lines 3-5 from bottom. However, as can be seen in Fig. 6 of *Otsubo '851*, waist elastic 30 extends in the waist surrounding direction, rather than in the leg surrounding direction as recited in claim feature (i). Further, as can be seen in Fig. 7 of *Otsubo '851*, the waist elastic (near reference numeral 24) extends within third zone S3, rather than across first zone S1 to third zone S3 as recited in claim feature (ii). Finally, as can be seen in Fig. 7 of *Otsubo '851*, the waist elastic (near reference numeral 24) is attached to the article in a region outside the core, rather than inside the side edge of the core as recited in claim feature (iii).

Accordingly, claim 1 is not anticipated by *Otsubo '851*. Withdrawal of the art rejection relying on *Otsubo '851* is now believed appropriate and respectfully requested.

New claim 23 depends from claim 11, and are considered patentable at least for the reason advanced with respect to amended claim 11.

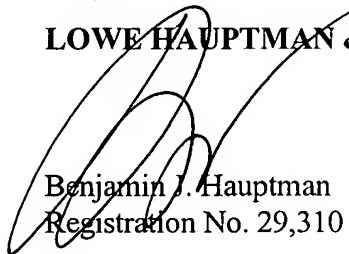
Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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